DIMUND G. BROWN JR., Attorney General of the State of California JOSE R. GUERRERO, State Bar # 97276 Supervising Deputy Attorney General CATHERINE SANTILLAN Senior Legal Analyst California Department of Justice 455 Golden Gate Avenue, suite 11000 San Francisco, California 94102 Telephone: (415) 703-5579 Facsimile: (415) 703-5480 Legal Representatives for Complainant RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA PROPERTY OF CALIFORNIA				
JOSE R. GUERRERO, State Bar # 97276 Supervising Deputy Attorney General CATHERINE SANTILLAN Senior Legal Analyst California Department of Justice 455 Golden Gate Avenue, suite 11000 San Francisco, California 94102 Telephone: (415) 703-5579 Facsimile: (415) 703-5480 Legal Representatives for Complainant BEFORE THE RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA PURPLEMENTATION OF CALIFORNIA STATE OF CALIFORNIA	1	EDMUND G. BROWN JR., Attorney General		
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1	In the Matter of the Accusation Against:	RCB Case No. R-2052	
1 2			
3	HERMAN W. NAVARRETE	STIPULATED SETTLEMENT FOR	
4	705 Revenna Way	PUBLIC REPRIMAND AND	
5	Brentwood CA 94513	DISCIPLINARY ORDER	
6			
7	RCP License No. 7805		
8			
9	Respondent.		
10			
11			
12			
13	In the interest of a prompt and speedy settlement of this matter, consistent with the		
14	public interest and the responsibility of the Respiratory Care Board, Department of Consumer		
15	Affairs, State of California ("Board"), the parties hereby agree to the following Stipulated		
16	Settlement For Public Reprimand and Disciplinary Order which will be submitted to the Board		
17	for approval and adoption as the final disposition of the Accusation in Case No. R-2052.		
18	<u>PARTIES</u>		
19	1. At the time of the filing of the Accusation in Case No. R-2052,		
20	complainant Stephanie Nunez was the Executive Officer of the Board and brought this action		
21	solely in her official capacity. Complainant is represented in this matter by Edmund G. Brown		
22	Jr., Attorney General of the State of California, Supervising Deputy Attorney General Jose R.		
23	Guerrero, and by Catherine Santillan, Senior Legal	Analyst.	
24			
25	2. Respondent Herman W. Navarrete, ("respondent"), is aware of his right to		
26	be represented by an attorney in this matter, but has elected to represent himself.		
27	3. At all times relevant herein, respondent has been licensed by the Board		
28	under Respiratory Care Practitioner License No. 780	3.	
•			

JURISDICTION

4. Accusation No. R-2052 ("Accusation") was filed before the Board and is currently pending against respondent. The Accusation, together with all other statutorily required documents, was duly served on the respondent in accordance with the California Administrative Procedure Act and respondent has filed a Notice of Defense. A copy of said Accusation is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read and fully understands the nature of the charges alleged in the Accusation and the effects of this Stipulated Settlement For Public Reprimand and Disciplinary Order ("Stipulation").
- 6. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon Respiratory Care Practitioner License No. 7805. Respondent is fully aware of his legal rights and that, but for this Stipulation, he would be entitled: 1) to a hearing on the charges and allegations in the Accusation; 2) to be represented by counsel, at his own expense, in all proceedings in this matter; 3) to confront and cross-examine the witnesses against him; 4) to present evidence on his own behalf and to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; 5) to reconsideration and appeal of an adverse decision; and 6) all other rights accorded pursuant to the California Administrative Procedure Act and other applicable laws.
- 7. With these rights in mind, respondent freely, voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

ADMISSIONS

- 8. Respondent admits the charges and allegations in Accusation No. R-2052 constitute cause for imposing discipline upon his Respiratory Care Practitioner License.
- 9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent gives up his right to contest those charges.
- 10. Respondent agrees that his Respiratory Care Practitioner License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the

Order below.

CONTINGENCY

11. This Stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this Stipulation, without notice to or participation by respondent or his representative. If the Board fails to adopt this Stipulation as its Disciplinary Order, the Stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action in this matter by virtue of its consideration of this Stipulation.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board shall, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Herman W. Navarrete, Respiratory Care Practitioner License No. 7805, is hereby publicly reprimanded by the Respiratory Care Board. This Stipulated Settlement For Public Reprimand and Disciplinary Order shall constitute the formal public reprimand; in addition, as part of this Stipulation, respondent agrees as follows:

- A. No further violation of the law will occur; and
- B. Respondent is hereby ordered to reimburse the Board the amount of \$1,363.00 for its investigative and prosecution costs. The amount shall be paid in full within eighteen (18) months of the effective date of this Disciplinary Order, unless the Board agrees in writing to payment by a different installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of the responsibility to reimburse the Board for its investigative and prosecution costs.
- C. Failure to timely reimburse the Board for its investigative and prosecution costs in the amount set forth above shall constitute unprofessional conduct pursuant to Business and Professions Code section 3755 for purposes of further disciplinary proceedings. In addition, the Board may withhold renewal of respondent's Respiratory Care Practitioner

1	License No. 7805.			
2	<u>ACCEPTANCE</u>			
3	I have read the above Stipulated Settlement For Public Reprimand and			
4	Disciplinary Order. I fully understand the terms and conditions and other matters contained			
5	therein. I understand the effect this Stipulation will have on my Respiratory Care Practitioner			
6	License No. 7805, and agree to be bound thereby. I enter this Stipulation freely, voluntarily,			
7	knowingly, intelligently and voluntarily.			
8	DATED: February 19, 2007			
9				
10 11	Original signed by: Herman W. Navarrete Respondent			
12				
13	<u>ENDORSEMENT</u>			
14	The foregoing Stipulated Settlement For Public Reprimand and Disciplinary			
15	Order is hereby respectfully submitted for consideration by the Respiratory Care Board,			
16	Department of Consumer Affairs, State of California.			
17				
18	DATED: February 28, 2007			
19	EDMUND G. BROWN JR., Attorney General of the State of California			
20				
21	Original signed by: CATHERINE E. SANTILLAN			
22	Senior Legal Analyst			
23	Legal Representative for Complainant			
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1 **BEFORE THE** RESPIRATORY CARE BOARD 2 **DEPARTMENT OF CONSUMER AFFAIRS** STATE OF CALIFORNIA 3 4 In the Matter of the Accusation Against: RCB Case No. 2052 5 HERMAN W. NAVARRETE 705 Revenna Way 6 Brentwood CA 95413 7 RCP License No.7805 8 Respondent. 9 10 **DECISION AND ORDER** 11 The attached Stipulated Settlement For Public Reprimand and Disciplinary 12 Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its 13 Decision in the above entitled matter. 14 15 This Decision shall be effective on April 20, 2007. 16 It is so ORDERED April 10, 2007. 17 18 19 Original signed by: LARRY L. RENNER, BS. RRT, RCP, RPFT 20 PRESIDENT, RESPIRATORY CARE BOARD DEPARTMENT OF CONSUMER AFFAIRS 21 STATE OF CALIFORNIA 22 23 24 25 26 27

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